

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHEN G. CONKLIN,
Plaintiff

v.

YVETTE KANE, PETER J. SMITH,
MARK E. MORRISON, AND
CHRISTINA GARBER,

Defendant

: NO. 1:CV-13-02618

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(Judge Sanchez)

Filed Electronically

DECLARATION OF MARK E. MORRISON

I, Mark E. Morrison, hereby declare that the following is true and correct and is given under penalty of perjury pursuant to 28 U.S.C. § 1746 and state as follows:

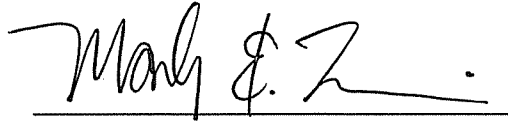
1. I am currently employed by the United States Department of Justice, United States Attorney's Office for the Middle District of Pennsylvania, as an Assistant United States Attorney, Chief of the Civil Division.
2. The United States Attorney, Peter Smith, has delegated authority to me in assigning all civil matters and to take action in all civil matters filed in this district. In particular, I had authority to represent the Honorable Yvette Kane in matter filed by Plaintiff Stephen G. Conklin, pro se, in the Court of Common Pleas of Dauphin County, Pennsylvania (2013-cv-2962). See

Conklin v. Kane, No. Civ. 1:13-cv-01531 (M.D. Pa.) (Doc. No. 1).

3. Based on the information I had available to me, I believed that Mr. Conklin had filed a civil action against Judge Kane in either her official or individual (Bivens) capacities.
4. Mr. Conklin has had several issues before Judge Kane and there was no evidence to show that Mr. Conklin had any personal business dispute against Judge Kane that was not in her capacity as a judicial officer.
5. Although no complaint was filed in Dauphin County, research revealed that a notice of removal may be filed under 28 U.S.C. § 1442 when a lawsuit is commenced.
6. On June 7, 2013, on behalf of Judge Kane, I removed the matter to this Court. The action was docketed as Conklin v. Kane, No. 1:13-cv-01531 (M.D. Pa), and, pursuant to 28 U.S.C. § 292(b), assigned to the Honorable Timothy J. Savage of the District Court for the Eastern District of Pennsylvania. See Conklin v. Kane, No. Civ. 1:13-cv-01531 (M.D. Pa.) (Doc. No. 1). Mr. Smith did not direct me to remove the matter, as I been properly delegated to act in all civil matters.
7. I did not file the notice of removal for any improper purpose.

8. I in no way retaliated against Mr. Conklin for filing the Writ of Summons or any other action by him or Mr. Bailey.

Executed this 3rd day of February, 2014.

A handwritten signature in black ink, appearing to read "Mark E. Morrison", written over a horizontal line.

Mark E. Morrison
Chief, Civil Division
United States Attorney's Office